IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

MACA. No. 753 of 2003

APPELLANT/PETITIONER:

NOUSHAD, S/O.MOHAMMED ALI, RESIDING AT
PENGATTIRI HOUSE, AMBALAVATTAM P.O. PANAMANNA,
OTTAPPALAM, PALAKKAD.

BY ADV. SRI.V.CHITAMBARESH

RESPONDENTS: RESPONDENTS.
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1. P.K.NOUSHAD, S/O.MOHAMMED ALI,
RESIDING AT PAZHAMKULAM HOUSE, CHUNANGAD,
MALAPPURAM.

2. MOHAMMEDALI,S/O.MANU @ MOIDEENKUTTY,
RESIDING AT PAZHAMKULAM HOUSE, CHUNANGAD P.O.
OTTAPPALAM.

3. NATIONAL INSURANCE COMPANY LIMITED,
BRANCH OFFICE, PALAKKAD.

R3 BY ADV. SRI.P.JAYASANKAR

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 10/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & M.N. KRISHNAN, JJ.

M.A.C.A. No 753 of 2003

Dated: 10th January, 2007

JUDGMENT

Krishnan,J.

This appeal is preferred against the award passed by the Claims Tribunal, Ottappalam in O.P. (M.V) No 344/2002. Appellant sustained injuries in a road accident. He was aged 18 years and was working in a workshop. Tribunal awarded total compensation of Rs 1,14,000/- of which Rs 40,000/- is towards medical expenses. It is against that decision the present appeal is preferred.

2. Heard both sides.

3. The claimant had sustained a comminuted fracture of the patella (left) and left femur and investigation also revealed the same. He had been treated in two or three hospitals and was undergoing follow up treatment and the doctor had assessed the permanent disability at 19% and issued the certificate. Tribunal did not accept

the disability certificate as such but awarded total sum of Rs 30,000/- for disability. From the nature of the injuries and the period of treatment it appears that the compensation awarded is inadequate. If the disability is fixed at 10%, income is taken at Rs 2,000/- and the multiplier of 16 is adopted, the disability compensation would come to Rs 38,400/-, that is, an additional compensation of Rs 8,400/-. Though there was serious fracture both on the femur and patella, no compensation had been granted for loss of amenities and enjoyment in life. Boy was only aged 18 years and certainly it will cause him a lot of inconveniences in the days to come and therefore we award a sum of Rs 10,000/- towards loss of income. From the records it is clear that he was unable to do any work for more than a year and the Tribunal has only awarded four months loss of income of Rs 8,000/-. We feel at least an additional sum of Rs 8,000/- has to be granted under that head. Thus the total additional compensation to which the claimant is entitled to will be Rs 26,400/-. In the result, the appeal is partly allowed and the claimant is awarded an additional compensation of Rs 26,400/- with 7% interest on the said sum from the date of petition till date of payment and the Insurance Company is directed to

deposit the amount within two months from the date of receipt of a copy of this judgment.

Sd/-

(K.S. RADHAKRISHNAN, JUDGE)

Sd/-
(M.N. KRISHNAN, JUDGE)

10/01/2007
en

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